

PLANNING COMMISSION

December 8, 2021

Action Minutes

WELCOME

ROLL CALL

PRESENT: Commissioners Bonilla, Casey, Caballero, Cantrell, Garcia, Lardinois, Montañez,
Oliverio, Ornelas-Wise, Torrens, Young

ABSENT: None

1. CALL TO ORDER & ORDERS OF THE DAY

Meeting called to order at: 6:30 p.m.

Access the video, agenda, and related reports for this meeting by visiting the City's website at:
<https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/commissions-and-hearings/planning-commission>

2. PUBLIC COMMENT

Public comments to the Planning Commission on non-agendized items. Please use the 'raise hand' feature in Zoom or click *9 to raise a hand to speak or contact 408-535-3505 to request to speak. Each member of the public may address the Commission for up to two minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:

- Responding to statements made or questions posed by members of the public; or
- Requesting staff to report back on a matter at a subsequent meeting; or
- Directing staff to place the item on a future agenda.

BRIAN SCHMIDT EXPRESSED DISAPPOINTMENT WITH THE PLANNING COMMISSION FOR NOT SUPPORTING THE TASK FORCE AND STAFF RECOMMENDATION ON COYOTE VALLEY, AND NOTED THAT, CONTRARY TO THE PLANNING COMMISSION'S RECOMMENDATION, THE COUNCIL APPROVED THE STAFF RECOMMENDATION. HE ENDED WITH A COMMENT THAT THE PLANNING COMMISSION CAN WORK TO RESTORE IT CREDIBILITY WITH ITS FUTURE DECISIONS.

3. DEFERRALS AND REMOVALS FROM CALENDAR

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral or removal.

Staff will provide an update on the items for which deferral and removal is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring or removing these or any other items, please use the 'raise hand' feature in Zoom or click *9 to raise a hand to speak or contact 408-535-3505 to request to speak.

ACTION: COMMISSIONER TORRENS MADE A MOTION TO APPROVE THE STAFF RECOMMENDATION FOR ITEMS 3.A. THROUGH 3.E. TO RENOTICE FOR THE JANUARY 12, 2022 PLANNING COMMISSION MEETING.

COMMISSIONER CABALLERO SECONDED THE MOTION (11-0).

- a. **GP21-003 and C21-036.** A General Plan Amendment to change the Land Use Designation from Residential Neighborhood to Neighborhood/Community Commercial as well as a Conforming Rezoning to rezone the project site from A Agriculture to CP Commercial Pedestrian on a 0.665-gross acre site located on the southeast corner of Keaton Loop and San Felipe Road intersection (3354 Keaton Loop). (Bracamontes Rigoberto and Delmina M, Owner). Council District 8.
CEQA: 3354 Keaton Loop General Plan Amendment Project Negative Declaration.
PROJECT MANAGER, ROBERT RIVERA

Staff Recommendation: Dropped to be re-noticed to the January 12, 2022 Planning Commission meeting per Staff request.

- b. **GP21-004 and C21-009.** A General Plan Amendment to change the Land Use Designation from Neighborhood/Community Commercial to Mixed Use Neighborhood as well as a Conforming Rezoning to rezone the project site from CP Commercial Pedestrian to MUN Mixed Use Neighborhood Zoning District on a 0.6-gross acre site located at 7246 Sharon Drive (Wang Jen-Shyong and Li-Yen, Owner). Council District 1. **CEQA:** 7246 Sharon Drive and Conforming Rezoning Project Negative Declaration.

PROJECT MANAGER, ROBERT RIVERA

Staff Recommendation: Dropped to be re-noticed to the January 12, 2022 Planning Commission meeting per Staff request.

- c. **GP21-006 and C21-030.** A General Plan Amendment to change the Land Use Designation from Mixed Use Neighborhood to Urban Residential as well as a Conforming Rezoning to rezone the project site from R-1-8 Single-Family Residence District to UR Urban Residential Zoning District on a 0.97-gross acre site located on the northwest of East Julian Street, approximately 150 feet southwesterly of Wooster Avenue (1271 & 1279 E. Julian Street). (Wang Jen-Shyong and Li-Yen, Owner). Council District 3. **CEQA:** 1271-1279 East Julian Street General Plan Amendment Negative Declaration.

PROJECT MANAGER, ROBERT RIVERA

Staff Recommendation: Dropped to be re-noticed to the January 12, 2022 Planning Commission meeting per Staff request.

- d. **GP21-007 and C21-029.** A General Plan Amendment to change the Land Use Designation from Neighborhood/Community Commercial to Mixed Use Commercial as well as a Conforming Rezoning to rezone the project site from CP Commercial Pedestrian to MUC Mixed Use Commercial Zoning District on a 1.09 -gross acre site located at 2905 Senter Road. (Nguyen Hien C Trustee & ET AL, Owner). Council District 7. **CEQA:** 2905 & 2911 Senter Road General Plan Amendment Negative Declaration.

PROJECT MANAGER, ROBERT RIVERA

Staff Recommendation: Dropped to be re-noticed to the January 12, 2022 Planning Commission meeting per Staff request.

- e. **GP21-009 and C21-008.** A General Plan Amendment to change the Land Use Designation from Heavy Industrial to Light Industrial as well as a Conforming Rezoning to rezone the project site from HI Heavy Industrial to LI Light Industrial Zoning District on a 0.68-gross acre site located at 1500 Berger Drive. (Loaves & Fishes Family Kitchen, Owner). Council District 3. **CEQA:** Exempt under CEQA guidelines section 15301 Existing Facilities.

PROJECT MANAGER, ROBERT RIVERA

Staff Recommendation: Dropped to be re-noticed to the January 12, 2022 Planning Commission meeting per Staff request.

4. CONSENT CALENDAR

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.

Staff will provide an update on the consent calendar. If you wish to speak on one of these items, please use the 'raise hand' feature in Zoom or click *9 to raise a hand to speak or contact 408-535-3505 to request to speak.

ACTION: COMMISSIONER TORRENS MADE A MOTION TO APPROVE CONSENT CALENDAR ITEM 4.A.

COMMISSIONER ORNELAS-WISE SECONDED THE MOTION. COMMISSIONER BONILLA ABSTAINED BECAUSE HE WAS NOT AT THE DECEMBER 1, 2021 PLANNING COMMISSION HEARING.

MOTION APPROVED (10-0-0-1; BONILLA ABSTAINED).

- a. Review and Approve Action Minutes from [December 1, 2021](#).

5. PUBLIC HEARING

Generally, the Public Hearing items are considered by the Planning Commission in the order in which they appear on the agenda. However, please be advised that the Commission may take items out of order to facilitate the agenda, such as to accommodate significant public testimony, or may defer discussion of items to later agendas for public hearing time management purposes.

- a. **[PP21-013](#)**. An ordinance of the City of San José amending Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to add provisions to implement Senate Bill 9 (Government Code Sections 65852.21, 66411.7, and 66452.6) (Citywide). Council District: Citywide. **CEQA:** Determination of Consistency with the Envision San Jose 2040 General Plan Final Program Environmental Impact Report (FEIR), adopted through Resolution No. 76041, and Supplemental EIR Resolution No. 77617, adopted on December 15, 2015, and Addenda thereto. Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the earlier approved programs and the Final Program EIRs adequately describe the activity for purposes of CEQA. The project does not involve new significant effects beyond those analyzed in the Final Program EIRs.

PROJECT MANAGER, MARTINA DAVIS

ACTION: COMMISSIONER CABALLERO MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS:

- 1. CONSIDER THE DETERMINATION OF CONSISTENCY WITH THE ENVISION SAN JOSE 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (FEIR), ADOPTED THROUGH RESOLUTION NO. 76041, AND SUPPLEMENTAL EIR RESOLUTION NO. 77617, ADOPTED ON DECEMBER 15, 2015, AND ADDENDA THERETO; AND**

2. ADOPT AN ORDINANCE OF THE CITY OF SAN JOSÉ AMENDING TITLE 20 (ZONING ORDINANCE OR ZONING CODE) OF THE SAN JOSÉ MUNICIPAL CODE TO ADD PROVISIONS TO IMPLEMENT SENATE BILL 9 (GOVERNMENT CODE SECTIONS 65852.21, 66411.7, AND 66452.6)

COMMISSIONER OLIVERIO SECONDED THE MOTION (11-0)

6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS, OR OTHER AGENCIES

No Items

7. GOOD AND WELFARE

a. Report from City Council

The Commission Secretary reported on City Council actions taken on December 7, 2021. Commissioner Oliverio asked if any big projects were coming to Planning Commission next year. Staff responded that the five privately initiated General Plan Amendments deferred tonight were coming in January as part of the 2021 Annual Review and that the North First Urban Village Plan would be coming in February.

b. Subcommittee Formation, Reports, and Outstanding Business

No items

c. Commission Calendar and Study Sessions

No items

d. The Public Record

No items

8. ADJOURNMENT

Meeting adjourned at 8:07 p.m.